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July 13, 2018

Hon. Deborah K. Chasanow  
U.S. District Court  
6500 Cherrywood Lane  
Greenbelt, MD 20770

Re: United States v. Donald Rivers  
Criminal Case No. DKC-18-066

Dear Judge Chasanow:

Pursuant to the plea agreement signed by the parties in the above-referenced case, Mr. Rivers moves to withdraw the pretrial motions he filed on May 31, 2018. *See* ECF Nos. 40, 41, 42, and 46. Although Mr. Rivers is withdrawing the Motion to Suppress Cell Phones Seized on August 29, 2017 (ECF No. 42), the Defendant has reserved the right in his plea agreement to renew his objection to the Government's use at sentencing of evidence from the cell phones seized on August 29, 2017. The Government has agreed to provide the contents of the cell phone at issue to the Defense so that counsel can determine whether or not to oppose the Government's use of the contents of the cell phone at sentencing. Because the parties may resolve the issue without court intervention, the Defense is withdrawing that motion at this time but reserving the right to raise the legal issues articulated in ECF No. 42 at sentencing. Should the parties determine the admissibility of the contents of the phone needs to be decided by the Court, we will give the Court advanced notice and the Defense will respectfully recommend that the Court resolve the issue prior to the actual sentencing hearing, as the outcome of that litigation would affect the presentation of evidence at the sentencing hearing.

Respectfully,

/s/

Katherine Tang Newberger  
Senior Litigation Counsel

cc: Christine Duey, Assistant United States Attorney (via ECF)  
Sandra Wilkinson, Assistant United States Attorney (via ECF)  
Rebecca Talbott, Assistant Federal Public Defender (via ECF)